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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,650	09/17/2003	Seong Fong Chen	2877-4031	8495
27123	7590	09/20/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P.			PENG, KUO LIANG	
3 WORLD FINANCIAL CENTER			ART UNIT	
NEW YORK, NY 10281-2101			PAPER NUMBER	

1712

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/666,650

Applicant(s)

CHEN ET AL.

Examiner

Kuo-Liang Peng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/29/06 Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 and 16-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-10, 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Applicants' amendment filed on June 29, 2006 was received. Claims 1-3 and 16-41 are withdrawn. Claim 11 is deleted. Now, Claims 4-10 and 12-15 are pending for consideration.
2. Claim rejection(s) under 35 USC 103 in the previous Office Action (Paper No. 040106) is/are removed.
3. The following Office action is made non-final because of a new ground of rejection and a new reference applied. Examiner apologizes for causing any inconvenience.
4. The text of those sections of Title 35, U.S. code not included in this action can be found in prior Office Action(s).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 4-10 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (US 2004/0126604).

For Claims 4-10, Wang discloses a glove coated with a composition comprising a cetyl pyridinium chloride, a polydimethylsiloxane and an ammonium salts of alkyl phosphate. The glove can be made of natural rubber, nitrile and/or polyisoprene. ([0009], [0022], [0030]-[0034] and Examples) The glove can be powder-free. ([0047], [0080] and [0107])

For Claims 12-15, since Wang's glove reads on that of Applicants', both gloves should possess the same properties, e.g., coefficient of friction, stickiness, double-donability, etc. *In re Best*, 195 USPQ 430 (CCPA 1977).

6. Claims 4-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being anticipated by Podell (US 4 575 476), optionally in view of Weikel (WO 98/29484) and Cotrell (US 6 566 408).


Podell discloses a glove coated with a layer comprising a silicone and a surfactant such as oxyethyl alkyl ammonium phosphate. The glove can be made of natural or synthetic rubbers. The glove is powder-free. (col. 1, lines 12-19, col. 2, line 54 to col. 4, line 2, Table 7 and Examples) Podell further teaches the use of a surfactant of cetyl pyridinium chloride. Optionally, Weikel teaches the use of a mixture comprising a silicone and 1-hexadecylpyridinium chloride (cetyl pyridinium chloride) for coating gloves. The motivation is to impart damp donnability thereof. (Abstract and page 20, lines 8-35) Since both oxyethyl alkyl ammonium phosphate and cetyl pyridinium chloride function as damp enhancers (col. 2, lines 54-60). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to use of a mixture comprising these two surfactants with expected success. See MPEP 2144.06. Note that Podell's oxyethyl alkyl ammonium phosphate reads on the claimed "ammonium salts of alkyl phosphate" because one of ordinary skill in the art would know that the term "**alkyl** phosphate" in the ammonium salts of alkyl phosphate include **alkylether** phosphate. For example, Cotrell teaches that an ammonium salts of alkyl phosphate include an ammonium salts of alkylether phosphate ester. (col. 1, line 65 to col. 2, line 20)

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp

September 15, 2006

  
Kuo-Liang Peng  
Primary Examiner  
Art Unit 1712